



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
www.ped.state.nm.us

HANNA SKANDERA
SECRETARY OF EDUCATION

SUSANA MARTINEZ
GOVERNOR

EDUCATOR ETHICS COMPLAINT FORM

Use this form to file an ethics complaint with the New Mexico Public Education Department (NMPED) against a licensee who allegedly violated the Standards of Professional Conduct for Educators (NMAC 6.60.9.9). "Licensees" as used in this form are coaches, teachers, superintendents, counselors, administrators, EAs, substitutes and instructional support providers, all of whom are licensed by the NMPED. This does not apply to school board members.

You may type into this form electronically, then email, or print & mail, or fax. You may also handwrite your complaint on a separate sheet then mail or fax.

Licensee's Full Name:	Jennifer Vigil (License under Jennifer L. Salaz)
Licensee's Address (if known):	236 County Road 84, Santa Fe, NM 87506
Licensee's Work Phone (if known):	
Licensee's School District/School or Agency:	Pojoaque Valley School District
Licensee's Title/Position:	Teacher
Standard(s) of Professional Conduct you believe was/were violated: (The box below will auto-expand as you type)	
Report of teacher having relations with a student. The issue is under investigation and has been referred to the Santa Fe County Sheriff Department.	
Please give a brief description including dates and details of the alleged violations of the <u>Standards of Professional Conduct for Educators</u> . Please include a list of all witnesses and other persons who have knowledge of the facts alleged in the complaint. Include names, addresses and telephone numbers if known. Attach pertinent documentation. (The box below will auto-expand as you type)	
On April 30, 2013 a report was made regarding an alleged inappropriate relationship between a teacher and a student. The report was investigated. Santa Fe County Sheriff's Department was contacted. The employee was arrested.	
This document is a public record, which the NMPED may be required to disclose upon request. If you have any objection or reason for not disclosing your identity to the public, please contact the PED Educator Ethics Bureau at 505-827-6692 to discuss. 6.60.9.9 Sections B., C. NMAC; (see pp. 3-6 of rule which can be accessed at: http://www.nmcpr.state.nm.us/nmac/parts/title06/06.060.0009.pdf)	
Please attach a list of all witnesses and other persons who have knowledge of the facts alleged in the complaint. Include names, addresses and telephone numbers if known. Attach pertinent documentation.	
Name of Complainant:	Angela Lobato, HR Director
Complainant's Address:	1574 State Road 502, Santa Fe, Nm 87506
Complainant's Phone Number:	505-455-4075
Complainant's Email Address:	abl@pvs.k12.nm.us
Email to: brenda.mares@state.nm.us	Phone: (505) 827-6692 Fax: (505) 827-6681

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MAY 1 2013

NMPED
EDUCATOR ETHICS BUREAU

Page 1 of 2

4

Mailing Address:

Public Education Department
300 Don Gaspar Avenue
Santa Fe, NM 87501
Attn: Educator Quality Division



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
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HANNA SKANDERA
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Licensee's Address (if known):	236 County Road 84, Santa Fe, NM 87506
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Pojoaque High teacher arrested

The New Mexican | Posted: Wednesday, May 1, 2013 7:00 am

Santa Fe County Sheriff's deputies have arrested a 31-year-old Pojoaque High School teacher who is accused of coercing a male teen into sex acts.

Teacher Jennifer Vigil, 31, is being charged with two counts of criminal sexual penetration after the teen said that she pressured him into letting her perform oral sex on him one day after school in mid-March. According to magistrate court records, the student, who was in Vigil's Horticulture class, took cell-phone photographs of Vigil as she performed the sex act.

Vigil told sheriff's detectives that the student requested oral sex, which then led to sexual intercourse between the two one day in early April and that he returned to her again in mid-April with a similar request, which she granted. She said the sexual relations were consensual.

Vigil is currently being held at the Santa Fe County Detention Center pending an arraignment hearing.

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Pojoaque teacher faces charges in student sex case

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Jennifer Vigil

Posted: Wednesday, May 1, 2013 10:00 pm | Updated: 10:37 am, Thu May 2, 2013

By Nico Roessler
The New Mexican | 13 comments

A 31-year-old teacher accused of having sex with a student in her Pojoaque Valley High School classroom was arraigned Wednesday on felony charges.

Jennifer Vigil faces two counts of criminal sexual penetration of the teen, who told police that she pressured him into letting her perform oral sex on him in March, and then into having sexual intercourse twice in April.

Authorities said Vigil admitted to having sex with the student on school grounds but said that the sex was consensual and that the student had repeatedly sought sexual favors.

Maj. Ken Johnson of the Santa Fe County Sheriff's Office said that even though the student is 18 and may have consented to sexual acts, the acts themselves are still illegal.

"In her position as a teacher, she's an authority figure," Johnson said. "For her to engage in any sexual activity with a student, whether they be 18 or not, is against the law."



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A criminal complaint says Vigil told investigators that "she was aware she had authority over [the student] because she was his teacher" but again insisted that the sexual acts were consensual.

Johnson said school officials reported the alleged incidents to police after "rumors" spread throughout the school.

At about 4 p.m. Tuesday, members of the school's security staff questioned the student about the rumors and then called police, Johnson said. The student and the teacher on Tuesday evening each agreed to be questioned by deputies at the Santa Fe County Sheriff's Office.

The criminal complaint says the student, who was in Vigil's horticulture class, told investigators that he went into her classroom after school on March 22 to turn in an assignment. The student told officers that Vigil locked the door behind him and told him, "You're not leaving until I get something from you," according to court documents.

The student told officers that Vigil mentioned that she was no longer intimate with her husband and told him, "If you help me out, I'll help you out."

Vigil then allegedly performed oral sex on the student, who used a cellphone camera to take a picture of her as she performed the sex act, the complaint states. The student, however, maintained to investigators that the sex act was performed against his will.

The complaint says deputies were able to identify Vigil from the photo provided to investigators.

After she was read her Miranda rights, Vigil told investigators that she had been teaching the student since he started at the school four years earlier. Vigil told officers of only two incidents involving herself and the student, documents state. She admitted to having sexual intercourse with the student in her classroom on April 2 and April 12, according to the documents, then stopped and asked to have an attorney present for further questioning.

Vigil told Santa Fe County Magistrate Judge George Anaya Jr. at her arraignment Wednesday that she was seeking a private attorney. The judge set her bond at \$25,000.

Pojoaque Schools Human Resources Director Angela Lobato said Wednesday that Vigil had been a full-time teacher at the high school for eight years in various disciplines. Lobato said Vigil has been placed on paid administrative leave pending the outcome of the criminal case.

"We take these allegations seriously and will cooperate with all investigations," Lobato said.

Contact Nico Roesler at 986-3089 or nroesler@sfnwmexican.com. Follow him on Twitter @nicoroesler.

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Posted in Local news on Wednesday, May 1, 2013 10:00 pm. Updated 10:37 am.

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Water is a human right, not just a commodity



STEVE TERRELL

New push to open primaries

State of New Mexico

v.

JENNIFER VIGIL

CASE DETAIL

CASE #	CURRENT JUDGE	FILING DATE	COURT
M-49-FR-201300396	Segura, David Anthony	05/01/2013	SANTA FE Magistrate

PARTIES TO THIS CASE

PARTY TYPE	PARTY DESCRIPTION	PARTY #	PARTY NAME
BO	Bond Company	1	A BONDING COMPANY
D	Defendant	1	VIGIL JENNIFER
ATTORNEY: CHAVEZ RANDY M.			
OF	Officer	1	COLOMBE PAUL OFC
P	Plaintiff	1	STATE OF NEW MEXICO
ATTORNEY: GRANATA JOSHUA RUTLEDGE			

CRIMINAL CHARGE DETAIL

PARTY	COUNT	SEQ #	STATUTE	CHARGE	CLASS	CHARGE DATE	CIT #	PLEA	DISPOSITION	DISP DATE
D 1	1	2	30-09-11(G)	Criminal sexual penetration 4th degree (school personnel)	F4	04/02/2013		No Plea		
D 1	2	2	30-09-11(G)	Criminal sexual penetration 4th degree (school personnel)	F4	04/12/2013		No Plea		

HEARINGS FOR THIS CASE

HEARING DATE	HEARING TIME	HEARING TYPE	HEARING JUDGE	COURT	COURT ROOM
06/12/2013	8:30 AM	Preliminary Examination	Anaya, George, Jr	SANTA FE	Courtroom 4
05/01/2013	1:30 PM	Arrangement	Anaya, George, Jr	SANTA FE	Courtroom 4

REGISTER OF ACTIONS ACTIVITY

EVENT DATE	EVENT DESCRIPTION	EVENT RESULT	PARTY TYPE	PARTY #	AMOUNT
05/14/2013	MISCELLANEOUS ENTRY				
	Nic mailed to d77DA/Attorney to appear on 06/12/13 at 8:30am				
05/14/2013	ORD: GRANTING				
	Stipulated Motion for Continuance				
05/14/2013	MTN: FOR CONTINUANCE				
	Stipulated Motion for Continuance. MML				
05/14/2013	DISCOVERY/DISCLOSURE				
	PROVIDED				
	request for discovery filed by att. / gm				
05/14/2013	ENTRY OF APPEARANCE	D		1	
	FILED				
05/08/2013	ORD: RELEASE ORDER & BOND FILED	BO		1	
	\$25,000 surety posted at jail 05/02/13				
	djs				
05/01/2013	PROBABLE CAUSE				
	DETERMINATION / FOUND				
05/01/2013	STATEMENT OF PROBABLE	OF		1	
	CAUSE				
05/01/2013	OPN: CRIMINAL				
	COMPLAINT FILED				

JUDGE ASSIGNMENT HISTORY

ASSIGNMENT DATE	JUDGE NAME	SEQ #	ASSIGNMENT EVENT DESCRIPTION
05/01/2013	Segura, David Anthony	1	INITIAL ASSIGNMENT

JASON VIGIL
v.
Jennifer Lolita Vigil

CASE DETAIL

CASE #	CURRENT JUDGE	FILING DATE	COURT
D-101-DM-201300335	Lamar, Sylvia F.	05/09/2013	SANTA FE District

PARTIES TO THIS CASE

PARTY TYPE	PARTY DESCRIPTION	PARTY #	PARTY NAME
PT	Petitioner	1	VIGIL JASON
RS	Respondent	1	VIGIL JENNIFER LOLITA

CIVIL COMPLAINT DETAIL

COMPLAINT DATE	COMPLAINT SEQ #	COMPLAINT DESCRIPTION	DISP	DISP DATE
05/09/2013	1	OPN: COMPLAINT		

GOA SEQ #	GOA DESCRIPTION
1	Divorce with Custody

PARTY NAME	PARTY TYPE	PARTY #
VIGIL JASON	PT	1
VIGIL JENNIFER LOLITA	RS	1

HEARINGS FOR THIS CASE

HEARING DATE	HEARING TIME	HEARING TYPE	HEARING JUDGE	COURT	COURT ROOM
06/27/2013	10:30 AM	HEARING	Wilson, Matthew J.	SANTA FE	Child Support Hearing Room

REGISTER OF ACTIONS ACTIVITY

EVENT DATE	EVENT DESCRIPTION	EVENT RESULT	PARTY TYPE	PARTY #	AMOUNT
05/09/2013	MED: MEDIATION ORDER				
	Information Session scheduled June 20, 2013, from 3:00 pm to 5:00 pm				
05/09/2013	ORD: ORDER				
	Order to Produce Discovery for Child Support and Interim Allocation Hearing: June 27, 2013, at 10:30 am				
05/09/2013	ORD: TEMPORARY DOMESTIC ORDER		PT	1	
05/09/2013	MISCELLANEOUS ENTRY				
	Interpreter Form; no interpreter needed				
05/09/2013	SUMMONS ISSUED				
	Issued to Jennifer Lolita Vigil				
05/09/2013	OPN: PETITION				
	Petition for Dissolution of Marriage				

JUDGE ASSIGNMENT HISTORY

ASSIGNMENT DATE	JUDGE NAME	SEQ #	ASSIGNMENT EVENT DESCRIPTION
05/09/2013	Lamar, Sylvia F.	1	INITIAL ASSIGNMENT



Adán Delgado
Superintendent

Teresa Carmack, Ph.D
Associate Superintendent for
Academic Outcomes

Pojoaque Valley Schools
1574 State Road 502
Santa Fe, New Mexico 87506
505-455-2282 505-455-7152 Fax

Bobby Spinelli, CPA
Budget/Finance Manager

April 30, 2013

Jennifer Vigil
236 County Road 84
Santa Fe, NM 87506

Ms. Vigil:

You are hereby notified that you are placed on Administrative Leave, immediately. This leave is for an indefinite period of time, pending the outcome of an investigation.

While on Administrative Leave:

- You are to remain off all Pojoaque Valley School District Property;
- You are to refrain from contacting any Pojoaque Valley School District student, parent or staff member in any way that could potentially interfere with the investigation;
- You are required to make yourself available to Mr. Albert Martinez, your immediate supervisor, by phone during all work hours, unless leave has been approved for your absence;
- You must make yourself available to physically report to work within 30 minutes of notification, during work hours.

You will remain on administrative leave, until you have been notified by your supervisor, that your status has changed.

Administrative leave is intended as a precautionary state, to allow further information gathering; it is in no way, a statement of judgment regarding standing allegations.

Respectfully,



Adan Delgado

Cc: Personnel File

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NMPED
EDUCATOR ETHICS BUREAU

Pojoaque Valley Schools Board of Education

David Ortiz
President

Fernando Quintana
Vice-President


Chris Williams
Secretary

Sharon Dogruel
Member

Jon Paul Romero
Member

Adán Delgado
Superintendent

Teresa Carmack, Ph.D.
Associate Superintendent for
Academic Outcomes


Pojoaque Valley Schools
1574 State Road 502
Santa Fe, New Mexico 87506
505-455-2282 505-455-7152 Fax

Dobby Spinelli, CPA
Budget/Finance Manager

May 1, 2013

Jennifer Vigil
236 County Road 84
Santa Fe, NM 87506

RE: NOTICE OF INTENT TO RECOMMEND DISCHARGE

Dear Ms. Vigil:

I am writing as a Superintendent for the Pojoaque Valley School District, to notify you of my intention to recommend your discharge from your position as Teacher in the school district. This action is taken pursuant to NMSA 1978 Section 22-10A-27.

The cause deemed sufficient for your discharge is:

Engaging in a sexual relationship with a student in violation of Board Policy 322 and NMAC 6.60.9.9 B. Standard I: Duty to the student:

(7) shall not have inappropriate contact with any student, whether or not on school property, which includes but is not limited to:

(a) all forms of sexual touching, sexual relations or romantic relations....

You have a right to a hearing before the local school board. You may request this hearing by submitting a written request to the superintendent within five working days from the date this notice of termination is served upon you.

Your request to address the board will be granted if made as set forth herein. The school board shall meet to hear your statement no more than 40 and no less than 20 working days after the Superintendent receives your request. You will have at least 10 days written notice of the date, time and place of the discharge hearing. The hearing before the Board will be conducted as described in NMSA 1978 Section 22-10A-27(D) through (I).

The local school board shall notify you and the superintendent of its decision in writing within 20 calendar days after the conclusion of the meeting. The action of the local school board in discharging you shall be effective on the date the written copy of the decision is served upon you. For purposes of this section, mailing of the written copy of the decision by certified mail, return receipt requested, shall constitute service after five days from the date of mailing.

In the event that you are aggrieved by the decision of the local school board to discharge you, you may request an appeal to an independent arbitrator. A written request for an

Pojoaque Valley Schools Board of Education

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President

Fernando Quintana
Vice-President

Chris Williams
Secretary

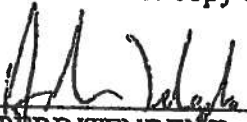
Sharon Dogniel
Member

Jon Paul Romero
Member

appeal should be submitted to the local superintendent within five working days from the receipt of a copy of the written decision of the local school board. Please consult NMSA 1978 Section 22-10A-28, in particular for your rights and the procedures relating to such appeals, as well as relevant state or federal statutory or constitutional provisions.

This will be effective as of May 17, 2013, which will also be your last pay period.

A copy of NMSA 1978 Section 22-10A-27 is provided with this Notice.



SUPERINTENDENT

22-10A-27. Discharge hearing; procedures. (2003)

A. A local school board or the governing authority of a state agency may discharge a certified school employee only for just cause according to the following procedure:

(1) the superintendent shall serve a written notice of his intent to recommend discharge on the certified school employee in accordance with the law for service of process in civil actions; and

(2) the superintendent shall state in the notice of his intent to recommend discharge the cause for his recommendation and shall advise the certified school employee of his right to a discharge hearing before the local school board or governing authority as provided in this section.

B. A certified school employee who receives a notice of intent to recommend discharge pursuant to Subsection A of this section may exercise his right to a hearing before the local school board or governing authority by giving the local superintendent or administrator written notice of that election within five working days of his receipt of the notice to recommend discharge.

C. The local school board or governing authority shall hold a discharge hearing no less than twenty and no more than forty working days after the local superintendent or administrator receives the written election from the certified school employee and shall give the certified school employee at least ten days written notice of the date, time and place of the discharge hearing.

D. Each party, the local superintendent or administrator and the certified school employee, may be accompanied by a person of his choice.

E. The parties shall complete and respond to discovery by deposition and production of documents prior to the discharge hearing.

F. The local school board or governing authority shall have the authority to issue subpoenas for the attendance of witnesses and to produce books, records, documents and other evidence at the request of either party and shall have the power to administer oaths.

G. The local superintendent or administrator shall have the burden of proving by a preponderance of the evidence that, at the time of the notice of intent to recommend discharge, he had just cause to discharge the certified school employee.

H. The local superintendent or administrator shall present his evidence first, with the certified school employee presenting his evidence thereafter. The local school board or governing authority shall permit either party to call, examine and cross-examine witnesses and to introduce documentary evidence.

I. An official record shall be made of the hearing. Either party may have one copy of the record at the expense of the local school board or governing authority.

J. The local school board shall render its written decision within twenty days of the conclusion of the discharge hearing.

History: 1953 Comp., § 77-8-14, enacted by Laws 1967, ch. 16, § 119; 1975, ch. 306, § 12; reenacted by Laws 1986, ch. 33, § 24; 1989, ch. 281, § 1; 1990, ch. 90, § 4; 1991, ch. 187, § 7; 1978 Comp., § 22-10-17, recompiled as 1978 Comp., § 22-10A-27 by Laws 2003, ch. 153, § 72.

Mares, Brenda, PED

From: Angela B. Lobato [abl@pvs.k12.nm.us]
Sent: Wednesday, May 01, 2013 3:42 PM
To: Mares, Brenda, PED
Subject: RE: Updated Complaint Form

The officers that reported were Deputy Anaya and Sergeant Mike Martinez.

Angela B. Lobato
Human Resources Director
Pojoaque Valley Schools
(505) 455-2282
Fax: (505) 455-7152
e-mail: abl@pvs.k12.nm.us

From: Mares, Brenda, PED [mailto:Brenda.Mares@state.nm.us]
Sent: Wednesday, May 01, 2013 3:23 PM
To: Angela B. Lobato
Subject: RE: Updated Complaint Form

Do you know the name of the officer that responded to the school?

From: Angela B. Lobato [mailto:abl@pvs.k12.nm.us]
Sent: Wednesday, May 01, 2013 3:14 PM
To: Mares, Brenda, PED
Subject: RE: Updated Complaint Form

An initial investigation was done by the school yesterday after the report was received. During the investigation it became clear that this needed to be referred to the Sheriff's Department. The Sheriff's Department came in and started their own investigation. The investigation was handed over to the Sheriff's Department.

Angela B. Lobato
Human Resources Director
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(505) 455-2282
Fax: (505) 455-7152
e-mail: abl@pvs.k12.nm.us

From: Mares, Brenda, PED [mailto:Brenda.Mares@state.nm.us]
Sent: Wednesday, May 01, 2013 2:45 PM
To: Angela B. Lobato
Subject: RE: Updated Complaint Form

Ms. Lobato,

When you say "the report was investigated", are you saying the school did an investigation?

Thank you,
Brenda

From: Angela B. Lobato [mailto:abl@pvs.k12.nm.us]
Sent: Wednesday, May 01, 2013 2:26 PM
To: Mares, Brenda, PED
Subject: Updated Complaint Form

Revised complaint.

Angela B. Lobato
Human Resources Director
Pojoaque Valley Schools
(505) 455-2282
Fax: (505) 455-7152
e-mail: abl@pvs.k12.nm.us

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Human Resources Director
Pojoaque Valley Schools
(505) 455-2282
Fax: (505) 455-7152
e-mail: abl@pvs.k12.nm.us

From: Mares, Brenda, PED [mailto:Brenda.Mares@state.nm.us]
Sent: Wednesday, May 01, 2013 2:45 PM
To: Angela B. Lobato
Subject: RE: Updated Complaint Form

Ms. Lobato,

When you say "the report was investigated", are you saying the school did an investigation?

Thank you,
Brenda

From: Angela B. Lobato [mailto:abl@pvs.k12.nm.us]
Sent: Wednesday, May 01, 2013 2:26 PM
To: Mares, Brenda, PED
Subject: Updated Complaint Form

Revised complaint.

Angela B. Lobato
Human Resources Director
Pojoaque Valley Schools
(505) 455-2282
Fax: (505) 455-7152
e-mail: abl@pvs.k12.nm.us

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**SANTA FE COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENTAL REPORT**



CASE #: 0213006033

CRIME: CRIMINAL SEXUAL PENETRATION (4TH DEGREE) TWO COUNTS

VICTIM:

SUSPECT(S): JENNIFER VIGIL DOB: 01/08/1982

LOCATION: POJOAQUE VALLEY HIGH SCHOOL

DETECTIVE: PAUL J. COLOMBE 7090

RECEIVED

MAY 31 2013

IMPED
EDUCATOR ETHICS BUREAU

INITIAL:

On Tuesday, April 30, 2013, Santa Fe County Sheriff's Deputy Isaiah Anaya was dispatched to the Pojoaque Valley High School in reference to a sexual assault involving a teacher and a student. Upon Deputy Anaya's arrival he made contact with Pojoaque School Disciplinary Officer Gray Johnson. Mr. Johnson informed Deputy Anaya on April 30, 2013, he was informed by a teacher (unidentified) of a rumor about a student being involved in a sexual relationship with a teacher identified as Jennifer Vigil. Mr. Johnson spoke with several unidentified students about the allegations and was informed a student identified as _____ was the student involved in a sexual relationship with Mrs. Vigil. The unidentified student informed Mr. Johnson they had seen a photograph on _____ cellular phone of Mrs. Vigil performing oral sex acts with _____

According to Mr. Johnson upon him speaking with _____ about the allegations of him being involved in a sexual relationship with Mrs. Vigil, _____ admitted to the sexual relationship with his teacher Mrs. Vigil. _____ explained to Mr. Johnson that on March 22, 2013 he had gone into Mrs. Vigil's classroom to turn in an assignment, when he was told by Mrs. Vigil if he did not have sex with her he would fail her class. Mr. Johnson reported _____ showed him a photograph on his cellular phone of Mrs. Vigil performing oral sex on him. Mr. Johnson then contacted the Santa Fe County Sheriff's Office.

Deputy Anaya spoke with _____ at the Pojoaque Valley High School about the incident involving his sexual relationship with Mrs. Vigil. _____ advised Deputy Anaya on March 22, 2013, he went into Mrs. Vigil's classroom to turn in a past due assignment at about 3:20 pm after school hours. _____ stated once inside the classroom Mrs. Vigil locked the door and told him he couldn't leave

until he gave her something. According to [redacted] he was uncertain what Mrs. Vigil was refereeing to and felt like he could not get away from her at this time. [redacted] stated Mrs. Vigil began telling him she thought he was "cute" and "attractive" and was telling him how her husband never touched her in any sexual way [redacted] stated that was when Mrs. Vigil started telling him to "put it in her". [redacted] told Deputy Anaya he attempted to leave the classroom several time's but Mrs. Vigil wouldn't allow him to do so. [redacted] told Mrs. Vigil he was going to call his basketball coach if she didn't let him leave. Mrs. Vigil continued to tell [redacted] "give it to me, give it to me" Mrs. Vigil then asked [redacted] if he would allow her to perform oral sex on him. [redacted] told Deputy Anaya he felt that was going to be the only way she was going to allow him to leave. [redacted] stated at that time Mrs. Vigil pulled his "dick" (penis) out of his pants and began "jacking him off" (masturbating). Mrs. Vigil then began to perform oral sex on him [redacted] told Deputy Anaya the incident with Mrs. Vigil had been bothering him and has made him feel uncomfortable to go school. Sgt. Mike Martinez notified criminal investigation Lt. William Pacheco and briefed him of the incident. No further action was taken by Deputy Anaya at this time.

INVESTIGATION:

On Tuesday, April 30, 2013 at approximately 4:35pm Detective Nicole Romero and I arrived on scene at the Pojoaque Valley High School, where I made contact with Sgt. Mike Martinez. Sgt. Martinez briefed me of the incident and informed me both the victim [redacted] and suspect Jennifer Vigil where still on scene in separate offices. I also made contact with [redacted] the mother of [redacted]. I explained to Mrs. [redacted] the purpose for my presence was to conduct a thorough investigation on the alleged sexual assault. I explained to Mrs. [redacted] I would be conducting an audio and visual recorded interview with her son [redacted] at the Santa Fe County Sheriff's Office. Mrs. [redacted] agreed to take [redacted] to the Sheriff's Office for a recorded interview.

I also made contact with [redacted] in the front office of the Pojoaque Valley High School. I explained to [redacted] I would be investigating the allegations of the criminal sexual penetration he disclosed had occurred with his teacher Jennifer Vigil. I explained to [redacted] a recorded audio and visual interview would be conducted at the Santa Fe County Sheriff's Office. [redacted] agreed to conduct the interview and briefly stated he had a photograph of Mrs. Vigil performing oral sex on him in his cellular phone. [redacted] voluntarily showed me a photograph on his cellular of a female he identified as Jennifer Vigil performing an oral sex act. I explained to [redacted] I would need his

consent to retrieve the photograph from his phone as evidence : agreed at which time I seized his T-Mobile Prism cellular phone

I then made contact with Jennifer Vigil in the front office of the Pojoaque Valley High School. I properly introduced myself to Mrs. Vigil and explained to her I was investigating the alleged criminal sexual penetration between her and a student. I explained to Mrs. Vigil I was not going to ask her any question regarding the investigation until she was advised of her "Miranda Rights". Mrs. Vigil agreed to be transported to the Santa Fe County Sheriff's Office for a recorded audio and visual interview with detectives.

INTERVIEW WITH

On Tuesday, April 30, 2013 at approximately 5:57pm, I conducted an audio and visual recorded interview with at that Santa Fe County Sheriff's Office. During the interview stated on Friday, March 22, 2013 he went to his horticulture teacher Mrs. Jennifer Vigil's classroom after school at approximately 3:00 pm to turn in a cell project. stated while he was turning the project in Mrs. Vigil locked the doors to the classroom and told him, "You're not leaving until I get something out of you". asked Mrs. Vigil, "What do you want from me?" Mrs. Vigil replied, "Well let me just be flat out honest with you, I've always thought you were attractive" stated Mrs. Vigil told him during his freshman, sophomore and junior years of school wasn't the right time to approach him about it. stated he asked Mrs. Vigil once again what she wanted him to do stated that was when Mrs. Vigil began telling him her husband didn't touch her anymore at which time she tells "If you help me out I'll help you out". asked Mrs. Vigil what she meant and Mrs. Vigil replied, "Well, why don't you just give it to me and after you can leave". stated he told Mrs. Vigil "No, That's disgusting". began telling Mrs. Vigil he wasn't attracted to her and thought she was disgusting. stated he even told Mrs. Vigil he was going to call his basketball coach to come get him. stated he walked towards the door in an attempt to leave when Mrs. Vigil blocked his path not allowing him to leave. stated at that point he told Mrs. Vigil if she did not allow him to leave he was going to do something to her like hit her. At that point Mrs. Vigil asked to allow her to give him "Head" (oral sex). told Mrs. Vigil he was not going to consent to the sexual acts while at the school. stayed Mrs. Vigil continued to plead with him to perform sexual acts. stated at that point he asked Mrs. Vigil if that was going to be the only way she would let him leave the classroom. Mrs. Vigil agreed that would be the only way she would allow to leave.

stated he felt he had no choice but to allow Mrs. Vigil to perform oral sex. stated Mrs. Vigil began "Jacking him off" with her hand until he got an erection. stated after he got an erection Mrs. Vigil began performing oral sex on him. At that time told Mrs. Vigil he was going to take a photograph of her performing the sex act. Mrs. Vigil asked not to take the photograph, but continued asking her to allow him to take it. After a short time Mrs. Vigil finally agreed and allowed to take a photograph. stated as he took the photograph Mrs. Vigil looked up into the camera so you could see her face. stated Mrs. Vigil continued the oral sex on him until he ejaculated. stated the purpose for the photograph was to protect him incase Mrs. Vigil tried to say the sex act wasn't consensual. stated after the incident with Mrs. Vigil he refused to go back into her class and would constantly tell Mrs. Vigil he wasn't interested in her and how disgusting he thought she was. During the interview stated he had told one of his friends he identified as about the incident.

 stated as he was in class today Tuesday, April 30, 2013, he was brought into Gary Johnson's office and explained the allegations about him being involved in a sexual relationship with Mrs. Vigil. initially denied being involved in a sexual relationship with Mrs. Vigil. Mr. Johnson explained to about allegations of a photograph of Mrs. Vigil performing sexual act which was taken from cell phone. continued to deny the relationship and denied having possession of a photograph. stated Mr. Johnson requested to look through the cell phone to ensure there was no photograph. agreed to allow Mr. Johnson to look at his phone. explained he has two separate photo albums and he opened the album that did not contain the photograph of Mrs. Vigil. As Mr. Johnson was looking through the photo album he noticed a second photo album. Mr. Johnson opened the second photo album and located a photograph of a female performing oral sex on an unknown male. Mr. Johnson was able to identify the female in the photograph as Mrs. Vigil. Mr. Johnson showed the photograph to the school's Principal Albert Martinez who also identified Mrs. Vigil. Mr. Johnson then contacted the Santa Fe County Sheriff's Office. At the conclusion of the interview with he provided Detectives with written consent to obtain data from his T-Mobile Prism cellular phone (see attached consent to search form). For Further information regarding the interview with , refer to the recorded DVD submitted into evidence.

INTERVIEW WITH JENNIFER VIGIL

On Tuesday, April 30, 2013 at approximately 6:54pm, Detective Nicole Romero and I conducted an audio and visual recorded interview with Jennifer Vigil at that Santa Fe County Sheriff's Office. Prior to asking Mrs. Vigil any questions regarding the case she was advised of her "Miranda Rights". Mrs. Vigil stated she understood her rights and agreed to speak with Detectives without an attorney present at this time.

I explained to Mrs. Vigil the purpose of the interview was in reference to allegations about her having a sexual relationship with one of her students at the Pojoaque Valley High School. I told Mrs. Vigil this was her opportunity to explain what had occurred between her and her student on March, 22, 2013. Mrs. Vigil thought for a few moments and stated, "Nothing happened on March 22, 2013". I asked Mrs. Vigil if she remembered any particular day. Mrs. Vigil requested to look at a calendar and was then able to give me the date of April 12, 2013. Mrs. Vigil stated had gone into her classroom during lunch at approximately 11:30am. I asked Mrs. Vigil to explain the events that occurred on that date. Mrs. Vigil stated walked into her classroom and asked her if she wanted to have sex. I asked Mrs. Vigil what her response was after asked to have sex with her. Mrs. Vigil remained quiet and looked down as if she was ashamed to give a response. I asked Mrs. Vigil if she ever had a sexual relationship with . Mrs. Vigil knotted her head up and down motion and verbally stated "Yes". Mrs. Vigil stated, "I gave him oral sex, then we had sex". Mrs. Vigil acknowledged this incident took place in her classroom. I asked Mrs. Vigil if she ever discussed her personal life with Mrs. Vigil stated she would sometimes since had been her student every year since he had been in high school. I asked Mrs. Vigil to explain how she became involved in a sexual relationship with based on their conversations. Mrs. Vigil stated her students had noticed she had been upset at work lately and knew things weren't going good for her at home. Mrs. Vigil stated would tell her how pretty she looked at times. Mrs. Vigil recalled asking her one day if she would have sex with him. Mrs. Vigil did state it wasn't awkward for him just to walk in and ask her to have sex. Mrs. Vigil did admit she found attractive.

Mrs. Vigil stated the sexual relationship actually started on Tuesday April 02, 2013, when went to her classroom with a security guard Chris Velarde during her prep (2nd period). Mrs. Vigil recalled the security guard Chris Velarde telling her needed to turn in an assignment. When the security guard Chris Velarde left the classroom stayed behind. Mrs. Vigil stated that was

when [redacted] asked her to have sex with him. Mrs. Vigil stated she agreed to have sex with [redacted] that day. Mrs. Vigil stated on April 02, 2013 she performed oral sex on [redacted] and had sexual intercourse. Mrs. Vigil did admit to having sexual intercourse with [redacted] on two separate occasions during school hours.

Mrs. Vigil described her relationship as very close with [redacted] up until recently. Mrs. Vigil stated when she would ask [redacted] what his plans were after his graduation he would become defensive towards her. I asked Mrs. Vigil what her feeling were towards [redacted] Mrs. Vigil stated she had felt sorry for him at times because he was grown up without a father figure. Mrs. Vigil stated if a teacher has a student from more than one year you tend to get feelings for them. Mrs. Vigil admitted to being attracted to [redacted] and having feelings for him. Later in the interview Mrs. Vigil stated to detectives she would get a little jealous when she saw [redacted] talking with some of the female students.

I asked Mrs. Vigil if she recalled [redacted] ever taking a picture with his cellular phone during the time of their intimacy. Mrs. Vigil wasn't sure when the photograph was taken but did know he had his phone on him during their intimate encounter. During the interview Mrs. Vigil stated she was aware she had authority over [redacted] because she was his teacher but stated the sexual encounters were consensual. Mrs. Vigil stated [redacted] was the one asking for sexual favors. Mrs. Vigil later requested to have an attorney present and all questioning was stopped at that time.

INVESTIGATION

On Wednesday, May 01, 2013, [redacted] T-Mobile Prism cellular phone was submitted to Santa Fe County Sheriff's Office Computer Analyst Larry Martinez for a forensic examination to obtain all video, photographs, names, numbers, and text messages.

On Wednesday, March 01, 2013, I received back from Santa Fe County Sheriff's Office Computer Analyst Larry Martinez one T-Mobile Prism cellular phone with a DVD containing all requested data. For further information pertaining to the data collected from cellular phone refer to Santa Fe County Sheriff's Office Computer Analyst Larry Martinez's report.

On Wednesday, March 02, 2013 at approximately 8:12 am, [redacted] arrived at the Santa Fe Sheriff's Office to retrieve his T-Mobile Prism cellular phone. [redacted] advised me he wanted to speak with me about the case. [redacted] stated the statement he had giving initially about Mrs. Vigil wasn't completely correct. [redacted] stated the sexual encounters he had with Mrs. Vigil at the school was consensual. [redacted] recalled having sex both oral and vaginal with Mrs. Vigil on two separate occasions at the school. [redacted] took the photograph of Mrs. Vigil performing oral sex on April 12, 2013 during a consensual sexual encounter in her classroom. [redacted] advised me he had initially told Santa Fe Sheriff's Detectives the sexual relationship with Mrs. Vigil was non consensual because he was scared. [redacted] stated after Mr. Johnson began questioning him at the school he feared he was going to be in trouble and decided to lie. [redacted] provided Detectives with a written statement indicating the relationship between him and Mrs. Vigil was consensual. No other information was obtained at this time.

CONCLUSION

On Tuesday, April 30, 2013, The Santa Fe Sheriff's Office was dispatched to the Pojoaque Valley High School in reference to a sexual assault involving a student and teacher. Responding Deputies discovered the student [redacted] had been sexually assaulted by his Horticulture teacher identified as Jennifer Vigil. [redacted] had initially told Deputies the sexual encounter was not consensual and provided them with a photograph of Mrs. Vigil performing oral sex on him. Responding Deputies contacted the Criminal Investigations Unit and briefed Lt. William Pacheco.

Upon my arrival at the Pojoaque Valley High School I discovered [redacted] had a photograph of his teacher Mrs. Vigil performing oral sex on him. During the initial interviewed with the victim [redacted] he stated he was forced to have sex with his teacher Mrs. Vigil. [redacted] stated after he was locked in Mrs. Vigil's classroom he had no choice but to allow Mrs. Vigil to perform oral sex on him.

During my interview with Mrs. Vigil at the Santa Fe County Sheriff's Office I discovered the relationship between her and the victim [redacted] was consensual. Mrs. Vigil told Santa Sheriff's Detectives she had been approached by a student [redacted] who asked her if she would have sex with him. Mrs. Vigil stated she was attracted to [redacted] and decided to get involved in a sexual relationship. During the interview Mrs. Vigil did acknowledge she was in a position of


authority over because she was his teacher, and agreed that her decision to have sex with him was wrong. During the interview with Mrs. Vigil I also discovered Mrs. Vigil and had a sexual relationship on two separate occasions in her classroom. It was also discovered on both occasions Mrs. Vigil preformed oral sex on prior to vaginal intercourse. Mrs. Vigil was arrested and booked at the Santa Fe County Adult Detention Center.

During a second interview with at the Santa Fe County Sheriff's Office it was discovered that the sexual relationship between him and Mrs. Vigil was consensual. stated he initially lied about the relationship because he didn't want to get into any trouble. also admitted to the two separate occasions at the school and stated it was both oral and vaginal sex.


Based on my investigation it was discovered Mrs. Vigil was in a position of authority over and was involved in a sexual relationship. Based on the evidence and investigation Mrs. Vigil was charged with Criminal Sexual Penetration. This case will be forwarded to the District Attorney's Office for review and prosecution.

CASE# 0213006033 CLOSED BY ARREST

Commander Approval


53013

Detective


Paul J. Colombe 7090

Santa Fe County Sheriff's Office

Incident Report

Report 04/30/2013 15:01

Case # 02-13-006033

Det. Paul Colimbe

I N C I D E N T	Case #	Report	Occurred From	Occurred To	Report Type
	02-13-006033	04/30/2013 15:01	04/30/2013 15:01	04/30/2013 15:01	Original
	Dept. Classification		Case Status	Case Status Date	Cleared
	CRIMINAL SEXUAL PENETRATION (ADULT)		CLEARED BY ARREST	04/30/2013	04/30/2013 18:11
	Common Name				
1574 State Road 502 SANTA FE, NM 87506 (SANTA FE County)					
Day of Week : TUESDAY					
Dispatched : 04/30/2013 15:04					
Arrived : 04/30/2013 15:58					
Location Type : MISCELLANEOUS/OTHER					
District : B TEAM					
Beat Assignment : DISTRICT 1 AREA 14					
Alcohol Related : NO					
Drug Related : NO					
Total Damaged Property Value : \$0.00					
Total Stolen Property Value : \$0.00					
Total Recovered Property Value : \$0.00					

O F F E N S E 1	State Classification		Attempted/Committed
	Statute/Ordinance		Disposition Date
	30-9-11		MISCELLANEOUS/OTHER
Federal Disposition : Criminal Sexual Penetration			
End of Offense: 1			

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	Home Phone	Person Address			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	DL Number
	WHITE	Female			UNKNOWN
	Birth Date	Birth Place			
	10/07/1962				
	Age : 50 Occupation : Ethnic Origin : HISPANIC Min. Height : 5'05" Max. Height : 5'05" Min. Weight : 130 lbs Max. Weight : 130 lbs Adult/Juvenile : ADULT Employer : Coat : NONE Hat : NONE Shirt : TRI COLOR Pants : BLACK Shoes : BLACK Hair Color : BROWN				
	Hair Length : DOWN THE BACK Hair Style : PARTED IN THE CENTER Facial Hair : NONE Teeth : NO DISCERNIBLE FEATURES Eye Color : BROWN Build : MEDIUM Complexion : MEDIUM Glasses : UNKNOWN Religion : UNKNOWN Marital Status : UNKNOWN Speech : NORMAL Residency Type : AGENCY HOME COUNTY Residency Status : RESIDENT Citizenship : UNITED STATES				
	End of Person: 1				

P E R S O N 2	Person Type	Business/Person Name			Business Phone
	VICTIM				
	Home Phone	Person Address			
	Other Phone	Employer Address			
Race		Sex	SSN	DL Exp. Date	DL Number
WHITE		Male			

Reporting Officer	Department	Report Status:
Deputy Isalah C Anaya (7084)	B TEAM	Approved
Supervising Officer		Date/Time
Verifying Officer	Department	Date / Time
Sergeant Michael Martinez (6585)	B TEAM	04/30/2013 23:11

02-13-006033

Santa Fe County Sheriff's Office

Incident Report

Report 04/30/2013 15:01

Case # 02-13-006033

Birth Date 04/01/1985	Birth Place SANTA FE, NM, UNITED STATES
Age : 18 Occupation : STUDENT DL State : NM DL Country : UNITED STATES Ethnic Origin : HISPANIC Min. Height : Max. Height : Min. Weight : Max. Weight : Adult/Juvenile : ADULT Employer : Pojoaque High School Coat : Hat : Shirt : Pants : Shoes :	
Hair Color : Hair Length : Hair Style : Facial Hair : Teeth : Eye Color : Build : Complexion : Glasses : Religion : Marital Status : Speech : School Grade : 12 Residency Type : Residency Status : Citizenship :	
End of Person: 2	

P E R S O N 3	Person Type COMPLAINANT	Business/Person Name Gary Johnson		Business Phone
	Home Phone (505) 455-2234	Person Address Use Address from Incident Location Information		
	Other Phone	Employer Address		
	Race WHITE	Sex Male	SSN	DL Exp. Date
	DL Number			
	Birth Date	Birth Place		
Occupation : Truancy Officer Min. Height : 5'09" Max. Height : 5'09" Min. Weight : 185 lbs Max. Weight : 185 lbs Adult/Juvenile : ADULT Employer : Pojoaque Public Schools Coat : None Hat : None Shirt : Blue Pants : Blue Shoes : Black Hair Color : BROWN Hair Length : DOWN THE BACK				
Hair Style : PARTED IN THE CENTER Facial Hair : NONE Teeth : NO DISCERNIBLE FEATURES Eye Color : BROWN Build : MEDIUM Complexion : MEDIUM Glasses : UNKNOWN Religion : UNKNOWN Marital Status : UNKNOWN Speech : NORMAL Residency Type : AGENCY HOME COUNTY Residency Status : RESIDENT Citizenship : UNITED STATES				
End of Person: 3				

P E R S O N 4	Person Type SUSPECT-ARRESTEE	Business/Person Name Jennifer Vigil		Business Phone
	Home Phone	Person Address 236 SF County Road 84 SANTA FE NM 87506 ,SANTA FE County		
	Other Phone (505) 249-6851	Employer Address SANTA FE County		
	Race WHITE	Sex Female	DL Exp. Date 02/08/2017	DL Number 120044915
	Birth Date /1982	Birth Place NM, UNITED STATES		
	Age : 31 Occupation : Teacher DL State : NM DL Country : UNITED STATES			
Hair Color : BROWN Hair Length : SHOULDER LENGTH Eye Color : BROWN Build : PETITE				

Reporting Officer Deputy I Isaiah C Anaya (7084)	Department B TEAM	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer Sergeant Michael Martinez (8585)	Department B TEAM	Date / Time 04/30/2013 23:11

Santa Fe County Sheriff's Office

Incident Report

Report 04/30/2013 15:01

Case # 02-13-006033

Ethnic Origin : HISPANIC Min. Height : 4'11" Min. Weight : 120 lbs Adult/Juvenile : ADULT Employer : Pojoaque High School	Complexion : MEDIUM Marital Status : MARRIED Residency Type : AGENCY HOME COUNTY Residency Status : RESIDENT Citizenship : UNITED STATES
End of Person: 4	

N A R R A T I V E	Topic	ORIGINAL
	<p>On Tuesday April 30, 2013 at approximately 3:58 pm I was contacted by Santa Fe RECC (Regional Emergency Communication Center) to respond to the Pojoaque High School at 1574 New Mexico State Road 502 Santa Fe, New Mexico 87506 in reference to a possible sexual assault involving a teacher and student.</p> <p>Upon my arrival, I met with the Truancy Officer Gary Johnson. Mr. Johnson stated on today's date sometime in the afternoon a teacher at the Pojoaque High School heard a rumor from the student body of a student and a teacher who had been involved in a sexual act on the school campus. Mr. Johnson stated he looked into the rumor and contacted a few students who he thought might have information. Mr. Johnson stated a male student told Mr. Johnson that "yes" and Ms. Jennifer Vigil were involved in a sexual act. The unknown male student who was friend stated he seen a picture on phone of Ms. Vigil giving a "blow job" (oral sex) to Mr. Johnson stated he then made contact with told Mr. Johnson of the incident. said that on the day in question he was told by Ms. Vigil that if he didn't have any kind of sex with her, he would fail her class. then showed Mr. Johnson the photo of the event. Mr. Johnson confirmed the picture in his phone could be Ms. Vigil giving oral sex to Mr. Johnson stated he then called for law enforcement for further the investigation.</p> <p>Sergeant Michael Martinez arrived on scene 3:58 pm and was briefed on the information I obtained by Mr. Johnson.</p> <p>I Then spoke with in the principals office of the school. was cooperative and gave a voluntary statement. stated on March 22, 2013 at around 3:20 pm he went to Ms. Vigil's classroom to turn in a project that was past due. He said when he spoke with Ms. Vigil, she stated to him she wanted more from him. stated she locked the doors to the classroom and Ms. Vigil told him he can't leave until he gives her something. stated he was unaware what she wanted and felt he couldn't get away from Ms. Vigil. stated Ms. Vigil began making statements to him saying he was "cute" and "attractive." Ms. Vigil tol that her husband has not touched her in any sexual way in a long time and wants to "put it in her." stated he tried to leave but she wouldn't let him. told Ms. Vigil if she didn't let him leave he was going to tell his basketball coach. Ms. Vigil kept saying to "give it to me, give it to me." stated Ms. Vigil told him to let her give him "head" (oral sex). stated he felt the only way he could leave was to let her do what she wanted. stated Ms. Vigil then pulled his "dick" out of his pants and started to "jack him off" (masturbate) and then perform oral sex on him. stated the incident has been bothering him and making him feel uncomfortable to go to school. At that time the interview was stopped and Investigations was notified.</p> <p>mother of arrived on scene. Mr. Johnson briefed on the incident and was advised that detectives with the Santa Fe County Sheriff Office were en route to the school to continue the investigation.</p>	

Reporting Officer Deputy I Isalah C Anaya (7084)	Department B TEAM	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer Sergeant Michael Martinez (6585)	Department B TEAM	Date / Time 04/30/2013 23:11

Detective Paul Colombe and Detective Nicole Romero arrived on scene at approximately 4:35 pm. They were briefed of the incident and they took over the investigation. I had no other involvement with this case.

End of Narrative: 1

Reporting Officer Deputy I Isaiah C Anaya (7084)	Department B TEAM	Report Status: Approved
Supervising Officer		Date/Time
Verifying Officer Sergeant Michael Martinez (8585)	Department B TEAM	Date / Time 04/30/2013 23:11